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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,516	06/27/2001	Akira Nonaka	9798423-0005	1534

7590

06/10/2005

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EXAMINER

CHAI, LONGBIT

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,516

Applicant(s)

NONAKA ET AL.

Examiner

Longbit Chai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-208 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-208 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Response to Arguments***

1. As per claim 41, 56, 58, 60, 61 and 62, Applicant remarks with arguments filed on 4/13/2005: "Ginter neither discloses nor suggests the data processing apparatus receives a module storing content data encrypted by using content key data, and encrypted content key data – i.e. storing both content data and encrypted content key data in a module (Page 94)". Examiner notes Applicant's arguments have been fully considered but are not persuasive because Ginter teaches (a) the VDE (Virtual Distributed Environment) Content User (Ginter: Figure 2 Element 112) is interpreted as the data processing apparatus, (b) the logical object structure (or container) as shown in Figure 17 is interpreted as the delivery module (Ginter: Figure 17 Element 800), (c) the modular contains digital content encrypted using content keys also provided in permission record's key block (Ginter: Column 130 Line 37 – 40 and Figure 17 Element 812a, 808 and 810), and (d) the secure communication means employing encrypted transmission between secure subsystems (Ginter: Column 12 Line 33 – 39). Therefore, Ginter does teach the data processing apparatus receives a module storing content data encrypted by using content key data, and encrypted content key data – i.e. storing both content data and encrypted content key data in a module.

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2. As per claim 1, 18, 39, 40, 72, 77, 79, 82, 83, 90, 92, 95, 96, 97, 98, 99, 114, 117, 120, 135, 138, 140, 141, 142, 150, 151, 152, 153, 155, 158, 159, 160, 164, 165, 166, 169, 172, 173, 174, 175, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 191, 192, 193, 197, 198, 199, 202, 205, 206, 207, 208 (i.e. Claims 1 – 40, 60 and 72 – 208 including all dependent claims), Applicant amends and adds the claim limitation similar to that listed below:

“A management apparatus manages the data providing apparatus and the data processing apparatus. The data providing apparatus sends a usage control policy data and requests the management apparatus to certify legitimacy of the usage control policy data. The management apparatus registers and services the usage control policy data from the data providing apparatus, and certifies the legitimacy of the usage control policy data in response to a request from the data providing apparatus”.

Examiner notes Applicant's arguments filed on 4/13/2005 have been fully considered but are moot in view of the new ground(s) of rejection. See the reasons of rejection set forth herein and applied the same rationale of rejection to those claims listed above in the following Office action accordingly.

Park teaches (a) independent software registration servers, which are open to all software product manufacturers (Park: Abstract Line 1) – the independent software registration server is thereby interpreted as the management apparatus to meet the claim language, (b) the software license file information includes product ID, price, prerequisite software, etc (Park: Page 6, 5th Para) and thereby is qualified as software usage control policy data, (c) the

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software license file is digitally signed by software registration server using the secret key of a software registration server (Park: Abstract Line 6 – 7) and thereby the registration server certifies legitimacy of the usage control policy data.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Park within the system of Ginter because Ginter discloses a system for secure content transaction management and electronic rights protection (Ginter: Abstract Line 1 – 3) and Park further teaches a flexible and secure software registration system.

Therefore, Ginter in view of Park does teach: "The data providing apparatus sends a usage control policy data and requests the management apparatus to certify legitimacy of the usage control policy data. The management apparatus registers and services the usage control policy data from the data providing apparatus, and certifies the legitimacy of the usage control policy data in response to a request from the data providing apparatus".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects

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for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 41 – 59 and 61 – 71 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ginter (Patent Number: US 6253193 B1), hereinafter referred to as Ginter.

Examiner notes considering the long list of claims (1 – 208) and lengthy Office action with several repetitive claim limitations, please refer to 1st Non-Final Office action along with the 1st Paragraph of “Response to Arguments” section in this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 40, 60 and 72 – 208 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter (Patent Number: US 6253193 B1), in view of Park (Patent Number: WO 99/15947).

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Examiner notes considering the long list of claims (1 – 208) and lengthy Office action with several repetitive claim limitations, please refer to 1st Non-Final Office action along with the 2nd Paragraph of “Response to Arguments” section in this Office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

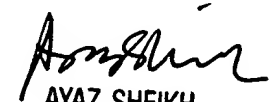
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LBC

Longbit Chai
Examiner
Art Unit 2131


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